



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

OCT 25 2002

400 Seventh St., S.W.  
Washington, D.C. 20590

Ms. Colleen A. Orth  
Compliance Supervisor  
Hazmat Environmental Group, Inc.  
60 Commerce Drive  
Buffalo, NY 14218-1040

Reference No. 02-0233

Dear Ms. Orth:

This is in response to your September 13, 2002 letter and September 18, 2002 telephone conversation with Eileen Edmonson of my staff asking if waste hazardous materials meeting the hazard classes listed in exemption DOT-E 9769 can be placed in appropriate UN standard packagings and transported on the same motor vehicle with lab packs of hazardous waste packaged in accordance with 49 CFR 173.12 and exemption DOT-E 9769.

The answer is no. The operational controls in exemption DOT-E 9769, paragraph 7.b.(2), stipulate that the motor vehicle may only contain hazardous materials packaged in lab packs.

In your telephone conversation with Ms. Edmonson, you also expressed concern that the provisions in exemption DOT-E 9769 should be less restrictive. You may submit a request to modify the terms of the exemption by providing supporting information to demonstrate that your proposed modification will achieve a level of safety at least equal to that established by the current exemption. Should you have further questions, please contact this office at (202) 366-8553 or the Office of Hazardous Materials Exemptions and Approvals at (202) 366-4511.

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell, Chief  
Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



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173.12



HAZMAT  
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Ed Mazzullo, Director  
Office of Hazardous Materials Standards  
USDOT  
RSPA  
400 Seventh Street, S.W.  
Washington, D.C. 20590

September 4, 2002

Fax: 202-366-3012

Edmonson

§ 173.12

Exemption

02-0233

RE: DOT Exemption: DOT-E 9769

Dear Mr. Mazzullo:

The purpose of this correspondence is to inquire about the lab pack stipulations stated in DOT Exemption 9769.

When shipping any of the hazard classes referenced in paragraph 6, are any or all of these hazard classes on board the same transport vehicle required to be lab packed or are only hazard classes that are not permitted to be on the same transport vehicle, ie. class 8 liquids and class 4.2 or class 8 acids and class 6 cyanides, affected by the lab pack requirements of this exemption?

Your timely response to this inquiry is appreciated. If you should have any questions regarding this issue, please contact the undersigned at (716) 827-7200. Thank you.

Sincerely,

*Colleen A. Orth*

Colleen A. Orth  
Compliance Supervisor

/cao

cc: D. Dintino  
I. Jackson